

1 Michael Kay, Esq. (#166066)
2 mk@pkplc.com
3 M. Gregg McKerroll, Esq. (#182229)
4 mgm@pkplc.com
5 PRITCHARD and KAY, PLC
6 160 West Santa Clara Street
Suite 1075
San Jose, CA 95113
(408) 920-0500

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7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
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10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 HAROLD EDDY CORNELIUS, an
14 individual, and KIMBERLY M.
15 CORNELIUS, an individual,
16 Plaintiffs,

CASE NO. CV 09-01892 RMW RS
STIPULATION AND ORDER FOR
DISMISSAL

17 v.

18 BANK OF AMERICA, N. A., a National
19 Banking Association, BANC OF
20 AMERICA INVESTMENT SERVICES,
INC., a Florida Corporation, and DOES 1
through 100, inclusive,

21
22 Defendants.

23 Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiffs Harold
24 Eddy Cornelius and Kimberly M. Cornelius, and Defendants Bank of America, N. A. and Banc
25 of America Investment Services, by and through their respective counsel of record, stipulate
26 (subject to this Court's approval), that Plaintiff's Complaint in this action is dismissed without
27 prejudice.
28

1 It is further stipulated that the parties shall bear their own attorney's fees and costs
2 incurred in connection with this action.

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4
5 Dated: September 17, 2009

/s/ Michael Kay

Michael Kay, Esq.
PRITCHARD and KAY, PLC
Attorneys for Plaintiffs Harold
Eddy Cornelius and Kimberly M.
Cornelius

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9
10 Dated September 17, 2009

/s/ Mark Wraight

Mark Wraight, Esq.
SEVERSON & WERSON, PC
Attorneys for Defendants Bank of
America, N. A. and Banc of
America Investment Services, Inc.

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14 I hereby attest that the content of this document is acceptable to all persons required to
15 sign this document.

16
17
18 ORDER

19 IT IS SO ORDERED.

20
21 Dated: 10/14/09

Ronald M. Whyte
United States District Judge

CERTIFICATE OF SERVICE

Cornelius v. Bank of America, N.A., et al.

USDC – Northern District Case No. CV 09-01892 RMW RS

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of San Francisco, California; my business address is Severson & Werson, One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On the date below I served a copy, with all exhibits, of the following document(s):

STIPULATION AND ORDER FOR DISMISSAL

on all interested parties in said case addressed as follows:

Michael Kay, Esq.

Attorneys for Plaintiffs

PRITCHARD and KAY, PLC

160 West Santa Clara Street, Suite 1075

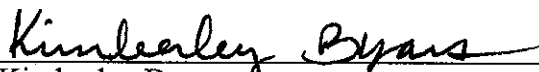
Telephone: (408) 920-0500

San Jose, CA 95113

Fax: (408) 920-0505

☒ **(BY MAIL)** By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in San Francisco, California in sealed envelopes with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in San Francisco, California, on September 17, 2009.


Kimberley Byars